

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re : Chapter 11
:
W.R. Grace & Co., *et al.* : Case No. 01-01139 JFK
:
Debtors. :

**CERTAIN INSURERS' NOTICE OF DESIGNATIONS
WITH RESPECT TO THE DEPOSITION OF JEFFREY POSNER**

The insurers indicated in the signature blocks to this pleading (collectively, “Certain Insurers”), by and through their respective undersigned attorneys, hereby designate the attached excerpts from the transcript of the deposition of Jeffrey Posner, taken on May 6, 2009 (the “Deposition Transcript”), together with any pertinent exhibits thereto, which may be offered in evidence in connection with the Phase I Confirmation Hearing in this matter, pursuant to Rule 32 of the Federal Rules of Civil Procedure.¹ Certain Insurers reserve the right to supplement these designations following receipt of Plan Proponents’ counter-designations, if any. Certain Insurers further reserve the right to use any part of the Deposition Transcript, even if it is not designated, for the purpose of contradicting or impeaching testimony given by the deponent as a witness. Finally, Certain Insurers reserve the right to call the witness at trial to supplement the deposition testimony designated herein.

¹ A copy of the entire Deposition Transcript in electronic format, marked with Certain Insurers’ designations, will be provided to Plan Proponents on disk for their use in marking any counter-designations they may wish to submit.

An excerpted copy of the Deposition Transcript, together with pertinent exhibits, is attached as Exhibit "A" hereto, with the portions designated by Certain Insurers marked in green.

Dated: June 18, 2009
Wilmington, Delaware

DRINKER BIDDLE & REATH LLP

/s/ David P. Primack
Warren T. Pratt (4334)
David P. Primack (4449)
1100 N. Market Street, Suite 1000
Wilmington, DE 19801-1254
Telephone: 302-467-4200

- and -

Michael F. Brown (*pro hac vice*)
Jeffrey M. Boerger (*pro hac vice*)
One Logan Square
Philadelphia, PA 19103-6996
Telephone: 215-988-2700

*Attorneys for Government Employees
Insurance Company, Republic Insurance
Company n/k/a Starr Indemnity &
Liability Company, and Seaton Insurance
Company*

STEVENS & LEE, P.C.

/s/ John D. Demmy.
John D. Demmy (DE Bar No. 2802)
1105 North Market Street
7th Floor
Wilmington, DE 19801
Telephone: (302) 425-3308
Facsimile: (610) 371-8515
Email: jdd@stevenslee.com

-and-

Leonard P. Goldberger
Marnie E. Simon
(Members of the PA Bar)
1818 Market Street
29th Floor
Philadelphia, PA 19103-1702
Telephone: (215) 751-2864/2885
Facsimile: (610) 371-7376/8505
Email: lpg@stevenslee.com
Email: mes@stevenslee.com

*Attorneys for Fireman's Fund Insurance
Company and Allianz S.p.A., f/k/a
Riunione Adriatica Di Sicurtà, and
Allianz SE, f/k/a Allianz Aktiengesellschaft*

CONOLLY BOVE LODGE & HUTZ
LLP

/s/ Jeffrey C. Wisler
Jeffrey C. Wisler (#2795)
Marc J. Phillips (#4445)
The Nemours Building
1007 N. Orange Street
P.O. Box 2207
Wilmington, DE 19899
Telephone: (302) 658-9141
Facsimile: (302) 658-0380

OF COUNSEL:

ECKERT SEAMANS CHERIN &
MELLOTT, LLC
Edward J. Longosz, II
Laura G. Stover
1747 Pennsylvania Avenue, N.W.
Suite 1200
Washington, D.C. 20006
Telephone: (202) 659-6600
Facsimile: (202) 659-6699

WILEY REIN LLP
Richard A. Ifft
Karalee C. Morell
1776 K Street, N.W.
Washington, D.C. 20006
Telephone: (202) 719-7170
Facsimile: (202) 719-7049

*Attorneys for Maryland Casualty
Company, Zurich Insurance Company and
Zurich International (Bermuda) Ltd.*

ROSENTHAL, MONHAIT &
GODDESS, P.A.

/s/ Edward B. Rosenthal
Edward B. Rosenthal (Bar No. 3131)
P.O. Box 1070
Wilmington, Delaware 19899
Telephone: (302) 656-4433x6
Facsimile: (302) 658-7567

-and-

GOODWIN PROCTER LLP
Daniel M. Glosband (*pro hac vice*)
Michael S. Giannotto (*pro hac vice*)
Brian H. Mukherjee (*pro hac vice*)
Exchange Place
Boston, Massachusetts 02109
Telephone: (617) 570-1000
Facsimile: (617) 523-1231

-and-

FORD MARRIN ESPOSITO
WITMEYER & GLESER, L.L.P.
Elizabeth DeCristofaro (*pro hac vice*)
Wall Street Plaza
23rd Floor
New York, New York 10005-1875
Telephone: (212) 269-4900
Facsimile: (212) 344-4294

*Attorneys for Continental Casualty
Company and Continental Insurance
Company and related subsidiaries and
affiliates*

BIFFERATO GENTILOTTI, LLC

/s/ Garvan F. McDaniel

Garvan F. McDaniel (#4167)
800 N. King Street-Plaza Level
Wilmington, DE 19801
Telephone: (302) 429-1900
Facsimile: (302) 429-8600

- and -

WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER, LLP
Carl. J. Pernicone
150 East 42nd Street
New York, New York 10017
Telephone: (212) 490-3000

- and -

O'MELVENY & MYERS LLP
Tancred V. Schiavoni
Gary Svirsky
7 Times Square
New York, New York 10036
Telephone: (212) 326-2000

*Attorneys for Arrowood Indemnity
Company f/k/a Royal Indemnity Company*

COZEN O'CONNOR

/s/ Barry Klayman

Barry M. Klayman (DE No. 3676)
1201 N. Market Street
Suite 1400
Wilmington, DE 19801
Telephone: (302) 295-2035
Facsimile: (215) 701-2209

- and -

William P. Shelley (PA ID 40875)
Jacob C. Cohn (PA ID 54139)
Ilan Rosenberg (PA ID 89668)
1900 Market Street
Philadelphia, PA 19103
Telephone: (215) 665-2000
Facsimile: (215) 665-2013

Attorneys for Federal Insurance Company

TUCKER ARENSBERG

/s/ Michael A. Shiner

Michael A. Shiner, *pro hac vice*
1500 One PPG Place
Pittsburgh, PA 15222-5401
Telephone: (412) 566-1212
Facsimile: (412) 594-5619
Email: mshiner@tuckerlaw.com

-and-

MENDES & MOUNT, LLP
Eileen T. McCabe, *pro hac vice*
750 Seventh Avenue
New York, NY 10019
Telephone: (212) 261-8254
Facsimile: (302) 235-2536
Email: eileen.mccabe@mendes.com

-and-

John S. Spadaro (No. 3155)
724 Yorklyn Road
Suite 375
Hockessin, DE 19707
Telephone: (302) 235-7745
Facsimile: (302) 235-2536
Email:
jspadaro@johnsheehanspadaro.com

*Attorneys for AXA Belgium as successor
to Royal Belge SA*

MESSANA ROSNER & STERN LLP

/s/ Frederick B. Rosner

Frederick B. Rosner (DE #3995)
1000 N. West Street
Suite 1200
Wilmington, DE 19801
Telephone: (302) 777-1111
Facsimile: (302) 295-4801

- and-

SONNENSCHEIN NATH &
ROSENTHAL LLP
Robert B. Millner
Christopher E. Prince
233 S. Wacker Drive
Suite 7800
Chicago, Illinois 60606
Telephone: (312) 876-8000
Facsimile: (312) 876-7934

*Attorneys for General Insurance
Company of America*